

REMARKS

Applicant thanks the Examiner for the non-final Office Action dated October 5, 2009. Claims 1-18 are rejected. With this amendment, claims 1, 4-8, 12, 14-15 and 17-18 are amended. No claims are added, and claim 9 is canceled without prejudice. After entry of this Amendment, claims 1-8 and 10-18 are pending in the Application. Reconsideration of the Application as amended is respectfully requested in light of the remarks made herein.

The Examiner rejects claims 1 and 11 under 35 U.S.C. §102(e) as anticipated by Takedomi et al. (US 2003/0226653). With regard to claim 1, the Examiner asserts that Takedomi et al. discloses an inverter buffer structure for a vehicle, comprising a buffer member 10 that is disposed within an inverter 11 in a compartment of the vehicle between the inverter and a support for a radiator core 2 that constitutes a portion of the frame of the vehicle. The Examiner asserts that a standard vehicle as disclosed by Takedomi et al. inherently possesses a frame that is inherently capable of providing support, either directly or indirectly, for the radiator core 2. With regard to claim 11, the Examiner asserts that Takedomi et al. shows that the buffer member is an air intake part.

Applicant has amended claim 1 to more particularly point out and distinctly claim the invention. Claim 1 now states that the buffer member is disposed directly adjacent to the inverter and is disposed directly adjacent to the radiator core support. Claim 1 also states that deflection of the radiator core support in a front-to-rear direction of the vehicle during a head-on collision of the vehicle causes engagement of the buffer member with the radiator core support and the inverter such that the buffer member reduces the amount of an incoming force that is applied to the inverter during the collision.

Takedomi et al. shows that the air cleaner case 7 is spaced from the radiator in a front-to-rear direction of the vehicle in FIG. 1. Furthermore, Takedomi et al. shows that the engine 4 is disposed closer to the radiator 2 than the air cleaner case 7 in a front-to-rear direction of the vehicle. Accordingly, Applicant submits that Takedomi et al. does not show a buffer member directly adjacent to a radiator core support such that deflection of the radiator core support during a collision would cause engagement of the buffer member with the radiator core support. Accordingly, Applicant submits that claims 1 and 11 are not anticipated by Takedomi et al.

The Examiner rejects claims 1-10 and 12-18 under 35 U.S.C. §102(e) as anticipated by Asao et al. (US 2004/0251858).

Applicant submits that this rejection is deficient for failing to provide the Applicant sufficient notice of the basis of the rejection. MPEP §706 states that rejections should be articulated clearly “so that the Applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity.” Explicit requirements for rejecting claims are set forth in 37 C.F.R. §1.104, which states:

“When a reference is complex or shows or describes inventions other than that claimed by the Applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.” 37 C.F.R. §1.104(c)(2).

Asao et al. shows seven separate embodiments of its invention, and the portion of the reference being relied upon is impossible to discern from the rejection. The reference numerals referred to are utilized by Asao et al. in more than one embodiment. Furthermore, the Examiner has cited the restraining means 16A, which is present only in the second through fifth embodiments, as well as paragraph 52, which describes the first embodiment. Accordingly, it is not apparent what portion of Asao et al. is being relied upon. In the event that the Examiner states a rejection over Asao et al. in a subsequent office action, Applicant requests that the rejection be stated with the particularity required by 37 C.F.R. §1.104. Furthermore, if the Examiner intends to modify one of the embodiments of Asao et al. in light of another one of its embodiments, Applicant notes that this cannot be done in a rejection under §102.

In addition to the foregoing, Applicant submits that Asao et al. fails to teach or suggest all the features of claim 1 and its dependent claims 2-8, 10 and 18 as amended.

The embodiment shown in FIG. 2 of Asao et al. shows that the inverter 400 is positioned substantially rearward of a front end of the engine 1 of the vehicle. Accordingly, the battery 6, which was identified by the Examiner as a buffer member, cannot be considered as directly adjacent to a radiator core support. Applicant notes that the radiator of a vehicle, which is not explicitly shown in Asao et al., is generally located at the front end of the vehicle and forward of the engine. Given the location of the inverter 400 and the battery 6 in Asao et al., it would be unreasonable to conclude that the battery 6 is adjacent to a radiator core support of the vehicle or that deflection of that radiator core support during a head-on collision would cause engagement of the battery 6 with the radiator core support and the inverter in the manner now required by claim 1. Accordingly, Applicant requests withdrawal of the rejection of claims 1-8,

10 and 18 based on Asao et al.

With regard to the rejection of claims 12-17, Applicant notes that claim 12 has been amended to recite the step of disposing a buffer member directly adjacent to the inverter and a radiator core support that constitutes a frame portion of the vehicle such that the buffer member is disposed between the inverter and the radiator core support. Claim 12 further specifies that deflection of the radiator core support in a front-to-rear direction of the vehicle during a head-on collision of the vehicle causes engagement of the buffer member with the radiator core support and the inverter such that the buffer member reduces the amount of an incoming force that is applied to the inverter during the collision. For the reasons stated in connection with claim 1, Applicant submits that the method of claim 12 and its dependent claims is not taught by Asao et al.

Finally, Applicant notes that claims 4-8, 14-15, and 17-18 have been amended. Applicant respectfully requests that the amended claims be given full consideration.

It is respectfully submitted that this Amendment overcomes all of the Examiner's objections and rejections to the application as originally filed. Applicants submit that no new matter is added to the Application as filed. Reconsideration of the Application as amended is requested. It is respectfully submitted that this Amendment places the Application in suitable condition for allowance; notice of which is requested.

The Examiner is invited to contact the undersigned at the telephone number listed below if the Examiner believes an Examiner's amendment would expedite prosecution of the application.

Respectfully submitted,

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